

SUMMARY OF THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

Section 1. Introduction

The McKinney-Vento program is designed to address the problems that homeless children and youth have faced in enrolling, attending, and succeeding in school. Under this program, State educational agencies (SEAs) must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youth. Homeless children and youth should have access to the educational and other services that they need to enable them to meet the same challenging State student academic achievement standards to which all students are held. In addition, homeless students may not be separated from the mainstream school environment. States and districts are required to review and undertake steps to revise laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth. *Idaho addresses this issue in Idaho Code 33-1404: Homeless children and youth may attend any school district or school within a district without payment of tuition when it is determined to be in the best interest of that child.*

The program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 USC 11431 et seq.), (McKinney-Vento Act). The program was originally authorized in 1987 and, most recently, reauthorized by the No Child Left Behind Act of 2001.

Section 2. Definition

The McKinney-Vento Act defines “homeless children and youth” as individuals who lack a fixed, regular, and adequate nighttime residence. The term includes:

1. Children and youth who are:
 - a. sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as *doubled-up*);
 - b. living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
 - c. living in emergency or transitional shelters;
 - d. abandoned in hospitals; or
 - e. awaiting foster care placement.
2. Children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
3. Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

4. Migratory children who qualify as homeless because they are living in circumstances described above.

Section 3. Administrative Requirements

Some of the key provisions of the McKinney-Vento Homeless Assistance Act are as follows:

1. Districts are prohibited from segregating a homeless child or youth in a separate school, or in a separate program within a school, based on the child or youth's status as homeless.
2. Districts must adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of the unaccompanied youth, the liaison) to and from the school of origin. There are specific provisions regarding the responsibility and costs for transportation.
3. If a dispute arises over school selection or placement, the district must admit a homeless child or youth to the school in which enrollment is sought by the parent or guardian, pending resolution of the dispute.
4. School placement determinations must be made on the basis of the "best interest" of the child or youth. In determining what a child or youth's best interest is, the district must, to the extent feasible, keep a homeless child or youth in the school of origin, unless doing so is contrary to the wishes of the child or youth's parent or guardian.
5. Every district, whether or not it receives a McKinney-Vento sub grant, must designate a local liaison for homeless children and youth.

Section 4. Complaints and Enforcement

School districts, as recipients of Federal financial assistance and as public entities, must ensure that their educational programs for homeless children are administered in a nondiscriminatory manner. Although the Department's Office for Civil Rights (OCR) enforces Federal laws that prohibit discrimination, under the Homeless Assistance Act, each district is to establish an informal process for resolving disputes that may arise. The State Department of Education provides guidance on the process and the time limit for the dispute process if the matter is appealed to the SDE.

This process can be found at the following link:

<http://www.sde.idaho.gov/sasa/docs/new/Homeless.doc>.

For non-regulatory guidance related to the Act please go to:

http://www.sde.idaho.gov/sasa/documents/MVHomelessNon-RegulatoryGuidance_000.doc